

OPEN LETTER TO THE SAN JACINTO RIVER WASTE PITS SITE COMMUNITY AWARENESS COMMITTEE

From: Responsible Parties | MIMC & International Paper

Because the next Community Awareness Committee meeting will not take place until February 23, 2011, we are providing this interim update to correct any misconceptions about the progress of construction work at the San Jacinto River site. This in light of the statement by EPA's TCRA Project Coordinator at the January 19, 2011, CAC meeting that the Respondents have "walked away from the site."

We are pleased to report that execution of a right-of-way access agreement was completed between the Respondents and the Texas Department of Transportation (TxDOT) on Friday, January 21, 2011. This enables work proposed by MIMC and IP and approved by the U.S. EPA to actively proceed as planned.

As you will recall from the last few updates to the Committee, access to construct a road on TxDOT's I-10 right-of-way and to build an equipment laydown and material storage area is essential to safe, timely and efficient progress of this project. An inability to secure final access briefly hampered these efforts. The good news is that TxDOT and the parties have since succeeded in reaching an agreement, and work can now begin safely and promptly.

Consistent with reports on the project's status throughout last year, our companies -- together with our engineering and environmental contractors -- have been diligent during December and early January in laying the groundwork for construction to proceed as planned. This has included a wide array of action steps for startup, including:

- Stockpiling of rock to ensure materials have been produced and await delivery to the site
- Collecting of aggregate samples from the quarry for laboratory analysis
- Obtaining access for and installing fencing and signs on the adjacent Big Star property and the west end of the TxDOT right-of-way
- Marking vegetation for grubbing and clearing for various fence lines as well as installing silt fences for environmental protection along the site's central berm
- Securing construction trailers needed for the project
- Completing concrete casting of buoy anchors, assembly of a buoy system and installation of additional perimeter, warning and no-trespass signs
- Installation of tide gauges
- Completing and submitting a site species survey to U.S. Army Corps of Engineers and Texas Commission on Environmental Quality
- Participating in reviews and inspections at the site on 10 different days with U.S. EPA, its representatives and our primary contractor

In addition, we have entered into leases for properties that will be used to house our construction trailers and for equipment and materials storage.

This is a complex undertaking. What it takes to make progress to safely and effectively address the site's historical conditions cannot be oversimplified -- nor can the many requirements involved. Given all the groundwork and momentum achieved over the past several months, it is unquestionable that our companies are committed to addressing the site, contrary to any assertion that the companies "walked away."

From the beginning, we have taken very seriously our obligation to advance and complete this phase of the project. The overall effort and associated costs represent an extremely significant remediation project for the San Jacinto River. No one wants inaction, and please be assured we intend to continue to work in good faith and with diligence in 2011.

We appreciate the opportunity to keep all agencies, organizations, stakeholders and individual community members with a keen interest in this project updated. And we look forward to our next meeting in February.

January 27, 2011